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PTO/SB/01 (12-97)

Approved for use through 9/30/00. OMB 0651-0032

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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration Submitted with Initial Filing OR Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)

Attorney Docket Number	015258-057700US
First Named Inventor	Reto SCHOEB
COMPLETE IF KNOWN	
Application Number	/
Filing Date	
Group Art Unit	
Examiner Name	

As a below named Inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint Inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A method and a pump apparatus for the generation of an adjustable, substantially constant volume flow of a fluid and a use of this method

the specification of which

(Title of the Invention)

 Is attached hereto

OR

 was filed on (MM/DD/YYYY)

as United States Application Number or PCT International

Application Number and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	YES	NO
01810790.4	Europe	August 16, 2001	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

 Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
<input type="text"/>	<input type="text"/>	<input type="checkbox"/>

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Customer Number → Place Customer Number Bar Code Label here

Registered practitioner(s) name/registration number listed below

Name	Registration Number	Name	Registration Number
J. Georg Seka	24,491	Chun-Pok Leung	41,405
James F. Hann	29,719		
Charles E. Krueger	30,077		
Kevin T. LeMond	35,933		

Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: Customer Number or Bar Code Label OR Correspondence address below

Name	J. Georg Seka					
Address	Townsend and Townsend and Crew LLP					
Address	Two Embarcadero Center, 8th Fl.					
City	San Francisco			State	CA	ZIP
Country	US	Telephone	415-576-0200	Fax	415-576-0300	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor						
Given Name (first and middle if any)			Family Name or Surname				
Reto			Schöb, Dr.				
Inventor's Signature	<i>Reto Schöb</i>						Date <i>5/16/02</i>
Residence: City	Volketswil	State	CH	Country	Switzerland	Citizenship	CH
Post Office Address	Ackerstrasse 75E						
Post Office Address	CH-8604 Volketswil						
City	Volketswil	State	CH	ZIP	CH-8604	Country	Switzerland
<input type="checkbox"/> Additional inventors are being named in the supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto							

Form PTO-1595
(Rev. 03-01)
OMB No. 0651-0027 (exp. 5/31/2002)

Re c r dation Form C over Sheet
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To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof

1. Name of conveying party(ies):

Reto SCHOEB

Additional name(s) of conveying parties attached? Yes No

3. Nature of conveyance:

 Assignment Merger Security Agreement Change of Name Other: _____Execution Date: May 16, 2002

4. Application number(s) or patent number(s).

If this document is being filed together with a new application, the execution date of the application is: August 12, 2002

A. Patent Application No(s): (not yet assigned)

B. Patent No(s):

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: J. Georg Seka
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
(415) 576-0200

6. Total number of applications and patents involved 1

7. Total fee (37 CFR 3.41): \$40.00 Enclosed Authorized to be charged to deposit account8. Deposit account number: 20-1430

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy of the original document.

J. Georg Seka

Name of Person Signing
Atty. Reg. No. 24,491



Signature



Date

Total number of pages including cover sheet, attachments and document 3

Mail documents to be recorded with required cover sheet:
Commissioner of Patents and Trademarks, Box Assignments
Washington, D.C. 20231-1374618 v1

(Not for Recordation)

Attorney Docket No. 015258-057700US

ASSIGNMENT OF PATENT APPLICATION

WHEREAS, Dr. Reto Schöb

hereinafter referred to as "Assignor", is/are the inventor(s) of the invention described and set forth in the below identified application for United States Letters Patent:

Title of the Invention: A method and a pump apparatus for the generation of an adjustable, substantially constant volume flow of a fluid and a use of this method

Date(s) of execution: May 16, 2002

Filing date: (herewith) Serial No.: (not yet assigned); and

WHEREAS, Levitronix LLC, 85 First Avenue, Waltham, MA 02451, USA

hereinafter referred to as "Assignee", is desirous of acquiring Assignor's interest in the said invention and application and in any U.S. Letters Patent which may be granted on the same;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has/have sold, assigned and transferred, and by these presents does/do sell, assign and transfer unto the said Assignee, and Assignee's successors and assigns, all his/her/their right, title and interest in and to the said invention and application and all future improvements thereon, and in and to any Letters Patent which may hereafter be granted on the same in the United States, the said interest to be held and enjoyed by said Assignee as fully and exclusively as it would have been held and enjoyed by said Assignor had this Assignment and transfer not been made, to the full end and term of any Letters Patent which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignor further agrees that he/she/they will, without charge to said Assignee, but at Assignee's expense, cooperate with Assignee in the prosecution of said application and/or applications, execute, verify, acknowledge and deliver all such further papers, including applications for Letters Patent and for the reissue thereof, and instruments of assignment and transfer thereof, and will perform such other acts as Assignee lawfully may request, to obtain or maintain Letters Patent for said invention and improvement, and to vest title thereto in said Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignor has/have signed his/her/their names on the dates indicated.

Date: May 16, 2002

Reto Schöb

Dr. Reto Schöb

Date: _____

Date: _____

Date: _____

SF 217622 v1